

PRISON REFORM.

The Scenes and Incidents of the Trial Continued.

SENSATIONAL INTERRUPTION.

Of the Prosecuting Attorney in His Address to the Jury—His Reference to an Alleged Relative of the Prisoner Characterized as a Lie—The Attacks in the Press, but the State Refrains from Raising Question of Character.

PART II.

TWENTY FIRST PAPER.

(The writer of the following was sentenced to life imprisonment in the Ohio Penitentiary for fighting a street duel in which the defender of his family was killed. Pardoned after eight years imprisonment, he proposes in the columns of the Globe to tell "a plain, unvarnished tale" of life in a modern penitentiary.—EDITH.)

The incident referred to in the last chapter as almost demoralizing the defense did in fact result in my conviction. My leading counsel, Hon. Geo. L. Converse, had to withdraw from the case on the advice of his physician, the latter asserting that he would not be responsible for the great pleader's life if he addressed the jury in a four-hours summing up. For a few days previous to the close of the trial, Mr. Converse had been complaining of not feeling well. The heat was excessive and the atmosphere of the court-room, which was daily packed to its full capacity, had not only told on Mr. Converse, but on the judge, jury, counsel and witnesses. When Mr. Converse informed me that he could not address the jury, I passionately exclaimed: "They have finally scared you out. They feel that their case is weak and dread your summing up or closing speech for me. I have heard that they were sending emissaries to your friends with threats—well, I can die or go to the penitentiary in this case without shame and without remorse."

He listened to me patiently and, placing his hand on my shoulder, replied: "If you are convicted I shall regard you as a martyr. I know you well and my heart bleeds for you. You never ought to have suffered a day's imprisonment, and my family control me in this matter. I am a sick man and unable to do your case the justice it deserves with the jury."

He left the jail where the conversation took place, and immediately went to a secluded summer resort. He lived for over five years after this event, and there are thousands in Columbus who believe that had he made the closing address I would never have been convicted. Opinion is divided to this day as to whether the pressure of a sinister public opinion or the doctor's orders were responsible for his abandonment of my case at this crucial period. He was noted as the greatest pleader at the bar and the most impressive and successful with a jury of any attorney at the bar. The State dreaded his final and closing appeal, which he was selected to deliver by his co-counsel, and the State moved heaven and earth to remove him from the arena. The State realized that my remaining counsel were not to be dreaded, as neither one of them had more than the average ability in this direction.

To cap the climax, the least talented of the four remaining counsel volunteered to speak eight hours, his own four and the four hours assigned to Mr. Converse.

This gentleman, Hon. Gilbert H. Barger, was essentially a politician, who drifted into Columbus from the little town of Coschocton. He never had an important law case in his life, but being personal friends he made a personal appeal to me to be permitted to take part in the case, free of charge, and as a means of bringing him into notice at the Columbus bar and before the general public. As previously stated, his "free of charge" turned out expensively enough, and he was not two weeks in the case before he "touched" me for two or three hundred dollars for "expenses" as a beginner.

Mr. Barger "talked" for eight hours, and I am free to confess that if I was on the jury his client would have been convicted of the highest grade of murder. I never sat under and listened to such a dreary, drivelling and irrelevant address, with not one flash, one inspirational word of eloquence or appeal and but little reference to the case in hand. Judge, jury, spectators and prisoner heaved a sigh of relief when he closed. At this writing, and over a decade of years softening the infliction, I would even now accept as choice of two evils another year in the penitentiary rather than have to again undergo the dreadful ordeal of that incomparably imbecile address. To conclude with this preposterous and talentless advocate, I was hardly landed in the penitentiary until he visited me in company with that Judge Earnhardt who sold out to Moses F. Neil in the Capital newspaper seizure. The object of his visit was to induce me not to appeal my case to the Supreme Court! Said this tool of Judge David F. Pugh and the prosecution: "Colonel, you will only have to serve a couple of years at furthest. Now, if you appeal the case you will make Pugh vindictive, whereas if you accept the situation I will guarantee that he will sign a petition for your pardon and we will have you out inside of two years."

Judge Earnhardt, whom everybody in Columbus knew to be a kind of valet to Judge Pugh, added his entreaties and had the bad taste to "blarney" me on my address, why sentence should not be pronounced. I listened to these two heartless and unprincipled advocates, and looking them in the eyes, replied: "While there exists a fighting chance to vindicate my name I shall seek it, even in the Supreme Court of the United States." Leaving out the intolerable mental sufferings that even an hour of this degrading imprisonment inflicts my honor is dearer to me than life or

liberty, and that honor I shall live to vindicate, either through the courts or with my pen. Your advice is not such as I would expect from loyal advocates of the law. Friends, Gentlemen, the incident is closed; good day." And I left him in the deputy warden's office while I went back to my task. From that hour to this I have never spoken to the one or the other. During the eight long years of my imprisonment, they neither of them visited me or took further part in my affairs.

Imagine the feelings of a prisoner thus abandoned by his counsel and absolutely sold to the State! These two lawyers were the loudest in proclaiming that the Supreme Court would reverse my verdict and give me a new trial, yet here they make a special visit to the penitentiary in the hope that my awful condition has weakened my spirit and that they can accomplish Pugh's mission of inducing me to resignly accept the gross injustice to which I was subjected! Further comment is unnecessary, and further along it will be shown how Pugh, baffled in this direction, succeeded all too surely in his determined purpose to confirm my unjust conviction and sentence.

During the trial, and in some of its most important phases, Hon. Thomas E. Powell, my friend and the *de jure* leading counsel, absented himself to try other cases in different portions of the State, leaving my defense in the hands of his colleagues or co-counsel. Against this I vainly protested, but to do him proper justice, he redeemed himself in his address to the jury. It was an able, clear and forcible exposition of my case, and although his voice was far from being what it ought to be in an eloquent pleader, he carried off the honors in the forensic display of both sides. The chief of the hired counsel on the State's side, J. H. Booth, was noted for the thunders of his voice! He was decidedly what may be called a "bull-dozer," and he was hired for that purpose and as a stand-off to Mr. Converse, the latches of whose shoes—from the legal point of view—he was not qualified to unloose. General Powell decidedly "put it all over him," to use a common expression. I was an attentive listener and critic of the speeches, and disassociated my personal interest in their probable result. Colonel Holmes, for the State, made the most keen, scholarly and forcible address for his side, as Powell did for the defense. I can not, however, overlook an incident in the address of Prosecutor Huling which created a tremendous sensation at the time, and which everybody predicted would "surely hang me." It occurred while Mr. Huling was in the middle of a peroration in which he used language which identified a certain woman as being a relation of mine by marriage. The woman in question, it is proper to state, was neither my sister-in-law nor even an acquaintance. Mr. Huling subsequently discovered his mistake and apologized to me in the penitentiary. But at the time of his address I was closely following his remarks when he uttered the insulting words. I instantly sprang to my feet, and passionately exclaimed in a voice loud enough to be distinctly heard in every corner of the large court-room: "Mr. Huling, that is a lie; a gross, indecent and infamous lie, sir. I will not sit quietly here and permit you to malign those whom God ordained I must protect. If I have to hang I shall die like a gentleman." Judge, sheriff, deputies, counsel and spectators were all on their feet in an instant at this outburst. The jury alone remained calm, and eyed me intently (so I was informed by my counsel), especially Juror Aubert, who leaned forward to catch every word. When quiet was restored, Mr. Huling proceeded in his address, but took special care not again to offend in the manner which caused my violent interruption. Strangely enough this outburst, which everybody predicted would surely hang me, had the opposite effect on a majority of the jury and was the subject of a hot debate among its members, those of them who condemned me being fiercely assailed by Aubert, who maintained that the prosecutor was alone to blame in using uncalled for language which was insulting to those whom I was in duty bound to protect. Aubert made excellent use of the incident in the six days the jury were deliberating on a verdict, and besides his own vote of "not guilty" induced four of the "hang him" jurors to vote for the grade of manslaughter.

The State was challenged repeatedly during the trial of the case to go into the question of character, but carefully avoided making this an issue or in any manner reflecting on my honor and integrity as a citizen. Nevertheless, the State had in an underhanded and cowardly manner, through the vicious Columbus newspapers, assailed me by insinuation and gave safe utterance to every suggestion furnished them. These newspapers were so skulking that they were never known to publish any item with the least apparent risk, now, however, they published columns of the vilest libel on the man they dared not face when at liberty and free to resent their foul calumnies. Of course, the State saw to it that the jury read every line of misrepresentation published about me. Among the accusations, either directly charged by my newspaper enemies or broadly intimated, were the lying and villainous allegations that I ran a yellow journal which abused decent people, that I was for sale and wrote up those who would not purchase my silence, and that I was a home drunkard and abused my wife and family. I was charged with having a violent and imperious temper, and made my children's lives miserable by my brutality. Everything that was calculated to hold a man up to the scorn and execration of the multitude was hurled at me by writers and publishers whom I had either whipped, silenced or befriended when at liberty. They barked and yelped day after day, and the papers found their way to the jury room through the collusion of the judge, the prosecutor and the bailiffs. These cur knew that I was never seen in a bar-room in Columbus, that I was devoted to my family, taking them several times to Europe. My neighbors, friends and servants were those who were indignant at these charges, which did not ruffle my spirit to the extent

of the base, lying and infamous slander that I was for sale or that I ever obtained a dollar dishonestly or dishonorably.

The public is prone to believe of all newspapers that they are only too ready to sell its interests for money. There is, of course, some truth in this, but the greater part of such belief is emphatically wrong and based on unworthy and unfounded suspicions. If a newspaper like the Sunday Capital was and the Sunday Globe becomes the champion of the people and fearlessly exposes official corruption and public and private dishonesty, every person in the community who has a personal enemy sends the editor a screed full of malicious and unsupported libel of and concerning the party whom they hate. In nine-tenths of the cases the editor must throw the stuff in the waste-basket. Then the disappointed and malignant correspondents immediately raise the cry of "bought off," the editor "is for sale." On the other hand, when he does publish a properly authenticated article, which, in his opinion, is in the interests of public morality and honesty, he is assailed with such epithets as "black-mailer," "scandal monger," "yellow journalist," etc. In other words, "he is damned if he does and he is damned if he don't." The Globe is even accused by some of its former advocates of "letting up on Stoutenberg, of the workhouse, for a consideration." No doubt the intendat is delighted at such a charge, as in this manner he gets more than even for our criticisms of his mismanagement of that institution. People who have been published for their misdeeds and shortcomings in the public press industriously circulate the libellous calumny that the editor and the paper criticising them are for sale. In this way they, too, seek to rehabilitate their own damaged reputations by breaking down the editor's and giving his paper a bad name. Every newspaper publisher and writer is well aware of these facts hence, when the Columbus press gave them currency, in a low, cowardly and sneaking manner about the Capital and its editor, they were deliberately and maliciously catering to this vicious sentiment in a great portion of the public, and confirming in the minds and convictions of the superficial as well as the cynical the judgment formed or held of and concerning all newspapers. (To be continued.)

The Spirit Moves Him.

EDITOR SUNDAY GLOBE: The spirit moves me once more. I had intended waiting a little longer, but, after what has happened at Buffalo, the time has come to open the eyes of the laboring masses to their real condition with regard to the foreign element dumped on our shores for the benefit only of trusts and monopolies. Your article in last Sunday's Globe, "Our Excerpt," is well written, especially where you mentioned Hanna and others of his stamp, who profess to be ideal American citizens, and as such have fattened on cheap European labor to the detriment of our genuine citizens. Of course, this method of the trusts and monopolies is called by our Republican friends, *protection!*

The present continual mixture of foreign elements to our masses leaves them no time to settle, consequently they are in continuous ferment. It reminds me of a mixture six of us tried to drink during the war in a Scotchman's saloon. He began by mixing in a quart measure the following: Whiskey, brandy, porter, ale, beer, cider, vinegar, salt, pepper, ketchup, oysters and clams. Each one of us took a mouthful. That was enough. The after-effect you can imagine. From my experience, I am convinced that it is and has been time for the last thirty years to stop this mixing process.

Because I insist on my rights, as an old citizen and soldier, who has done his share toward the glorious perpetuation of our Republic, I am to-day called an anarchist.

I am, and have been, fighting for years for the position I am entitled to as an old American mechanic, who is at all times entitled to a fair and just remuneration for his labor and skill, not only sufficient to exist on, but sufficient to lay by something for old age. This position I am denied for the reason that most of our citizens prefer foreign labor, because it is cheap.

In my opinion, the citizen who does not prefer the labor of his fellow-citizen to that of the foreigner is not as good as a foreigner! A sensible statement in last Sunday's Globe is a move in the right direction against the abuse directed to its editor, by those who have special reasons, because he tells the truth. If those parties don't like The Globe don't buy it, don't read it.

I am satisfied, all right-minded, honest and law-abiding citizens find no fault with its articles. There is nothing yellow about them. They are especially intended for citizens who pay taxes and have a right to know to what uses they are put to.

Give The Globe a chance. Remember, none of us are perfect. Its intentions are to educate the laboring masses, that they may derive benefit therefrom.

Yours truly,
R. F. PREUSSER.

Given the Preference.
EDITOR SUNDAY GLOBE: Would you kindly inform me in your next issue as to whether there is a law to the effect that in case of a reduction in force of Government clerks that Civil War veterans and Spanish-American War veterans are given the preference.

Yours very truly,
A READER OF THE GLOBE.

(Yes; in being the first to be discharged. Under the law they are supposed to be retained if able to perform their duties.—ED. GLOBE.)

If you have anything superfluous, from a pair of eyeglasses to a house and lot, or from an Antique Statue to a Laundry Ticket, and would like to exchange the article for something more desirable, place your announcement in this column of The Sunday Globe and wait for the answer. Somebody will surely offer you something in exchange. Try it, just for fun. Five cents per line.

THE NEWS DEALERS.

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J. D. Hauptman, 1904 Penn. ave. NW, cigars, news dealer.
L. Holst, 1310 Penn. ave. NW, cigars, news dealer.

W. Bootman, 200 1st street SW, cigars, news dealer.
J. M. Fore, 311 6th street NW, cigars, news dealer.

F. C. Jackson, 609 1/2 7th street NW, cigars, tobacco, news dealer.
Geo. W. Taylor, 625 7th street NW, cigars, news dealer.

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W. G. Ellis, cigars and tobacco, news stand, etc., cor. 13th and C streets SW.

Becker & Orndoff, Willard Hotel news stand.
S. G. McMichael, 810 14th street NW, cigar and news dealer.

Arlington Hotel news stand.
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Wm. M. Becker, 1236 9th street NW, cigars and news dealer.

Adams News Depot, 9th & G street NW. Ham Adams, proprietor.
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H. C. Knodel, 1212 1/2 F street NW, hole in the wall news stand.
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W. B. Dotson, 802 12th street NW, cigars, tobacco and news dealer.
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J. Linder, 631 G street NW, cigar and news dealer.
Morro Castle, 1122 7th street NW, cigar and news dealer.

J. W. Reed & Son, 400 9th street NW, cigars, tobacco and news dealer.
American House news stand.

Metropolitan Hotel news stand.
Wm. H. Livermore, 101 H street NW, cigars, tobacco and news dealer.

J. W. Elms, 236-S H street NW, cigars, confectionary and news dealer.
Belvedere Hotel news stand.

National Hotel news stand.
St. James Hotel news stand.
Pension Office cigar and news stand, 445 G street NW, Julius Backenheimer manager.

J. O. Weissner, 919 H street NE, books, periodicals and newspapers.
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Owen Bros., 5th & E streets NE, groceries and news stand.
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W. A. Sharswood, 601 Mass. ave. NE, cigar and news dealer.
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George W. Schondelmeir, 403 8th street, SE, cigars, tobacco and news dealer.
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L. F. Litz, 1403 H street NE, news depot.

A. Murphy, 49 H street NE, news depot.
W. J. Reilly, 735 N. Capitol street, news stand.

Bolden Bros., 709 8th street SE, cigars, pool room and news stand.
R. E. Miller, 527 8th street SE, cigar and news dealer.

Mrs. Patchell, 1268 4 1/2 street SW, cigars, notions, news dealer.
J. Abbott, 322 1/2 4 1/2 street SW, cigars, tobacco, news dealer.

Ed. Brinkman, Penn. ave. and 4th street NW, cigars, tobacco, news dealer.
B. J. Burt, 313 7th street NW, cigars news dealer.

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